

NICHOLAS A. TRUTANICH
United States Attorney
Nevada Bar Number 13644
DANIEL J. COWHIG
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: 702.388.6336 / Fax: 702.388.6418
daniel.cowhig@usdoj.gov
Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHON JAMES WHITNEY,

Defendant.

Case No. 2:21-cr-2-JAD-NJK

Government Disclosure Statement

On January 29, 2021, pursuant to Local Criminal Rule 16-1(b)(2), Daniel J. Cowhig, Assistant United States Attorney, contacted Yi Lin Zheng, Vegas Golden Law, counsel of record for defendant Stephon James Whitney, to discuss scheduling of discovery in the instant case. The Government agrees to provide discovery in this case as follows:

Discovery Schedule

A. The Government has provided or will provide or permit the defendant to inspect and copy or photograph:

- (1) All statements, documents, and objects, including audio or video recordings, required to be disclosed under Federal Rules of Criminal Procedure 16(a)(1)(A)-(F).

(2) All search warrants and supporting affidavits, which relate to evidence that may be offered at trial.

(3) The Government will provide expert disclosures as required under Federal Rule of Criminal Procedure 16(a)(1)(G).

B. The Government is unaware of any exculpatory information. The Government will provide any subsequently discovered exculpatory information reasonably promptly upon its discovery. The Government will provide impeachment information relating to government witnesses who will testify at a pre-trial hearing, trial, or sentencing sufficiently in advance of the hearing, trial, or sentencing to allow the hearing, trial, or sentencing to proceed efficiently.

C. The Government hereby makes any and all demands for reciprocal disclosures from the defendant under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, and 16, including but not limited to the following, to be provided prior to trial:

(1) All documents, objects, and reports of examination required under Federal Rules of Criminal Procedure 16(b)(1)(A) and (B).

(2) All expert disclosures required under Federal Rule of Criminal Procedure 16(b)(1)(C).

(3) All notices of any defenses under Federal Rule of Criminal Procedure 12.1.

(4) Any summaries, charts, or calculations the defense intends to offer at trial.

D. The Government will no later than 5 days before trial or at such subsequent time as the Government learns any of the following information:

(1) Disclose any summaries, charts, or calculations the Government intends to offer at trial.

(2) Identify recordings, transcripts of recordings, or portions thereof the Government intends to offer at trial.

(3) Disclose any reports or memoranda of interviews of witnesses the Government intends to call in its case in chief.

(4) Disclose any statements of witnesses under Title 18, United States Code, Section 3500.

E. If the Government withholds the disclosure of items subject to discovery under Federal Rule of Criminal Procedure 16 or case law or statute, it will either: (1) provide notice to the defense of its intent to withhold disclosure and describe the nature of the item and the basis for withholding disclosure; or (2) submit in camera a motion to the court for a protective order describing the nature of the item, the basis for withholding disclosure, and the need for in camera review and any sealing of the record. The Government requests that, if the defendant withholds the disclosure of any such item(s), it provide such notice to the Government.

The disclosures and reciprocal disclosures set forth above apply to those objects, documents, items, and other disclosure matters that are in the possession, custody, or control of the parties at the time the obligation to disclose arises. The Government recognizes that it has a continuing duty to provide disclosures up to and through trial as to any matters required to be disclosed by statute, rule, or the United States Constitution. Nothing in this statement is intended to create any rights for the defendant or in any way restrict or expand the remedies available to the Court for any breach of any disclosure obligations.

1 The Government holds itself available to make good faith efforts to confer with
2 defense counsel to resolve informally any dispute over the scope, manner, and
3 method of disclosures before seeking relief from the Court.

4 DATED: February 4, 2021

5 NICHOLAS A. TRUTANICH
6 United States Attorney
District of Nevada

7
8 /s/ Daniel J. Cowhig
9 DANIEL J. COWHIG
Assistant United States Attorney

Certificate of Service

I, Daniel J. Cowhig, hereby certify that I am an employee of the United States Attorney's Office for the District of Nevada and that on this day I served an electronic copy of the above **Government Disclosure Statement** on Counsel of Record via Electronic Case Filing (ECF).

Dated: February 4, 2021

/s/ Daniel J. Cowhig
DANIEL J. COWHIG
Assistant United States Attorney